

Notice of Allowability

Application No.

09/854,627

Examiner

Thomas M. Ho

Applicant(s)

MURTO ET AL.

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/12/06.
2. ☒ The allowed claim(s) is/are 1, 3-8, 10-22, 25, 28-34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 8/23/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Jagdish H. Lohani
JAGDISH H. LOHANI
PRIMARY EXAMINER

1. The amendments of 1/12/06 have been received and entered.

Reasons for Allowance

2. With reference to the previously allowed claims, the Applicant has noted that the Examiner allowed claims 1, 25, 31, and 33 based on the claim limitation “selective forwarding comprises sorting and filtering the cached files in accordance with preferences of a user of the wireless user device”

In the arguments submitted with the RCE of 8/9/05, the Applicant argued against the combination of Rosen US patent 6014090, “UDDI Technical White paper” and Tauber et al. “Surfing the Internet with Netscape Communicator 4.”

Tauber et al. was previously used to recite the claimed limitation “selective forwarding comprises sorting and filtering the cached files in accordance with preferences of a user of the wireless user device”

Applicant’s previous argument stated that Tauber et al. discloses a local cache. Because of this, the information stored in a local cache would not be forwarded to the user. The Examiner found this reasoning persuasive, as it is a separate system which performs the forwarding of the UDDI results in Applicant’s invention.

It should be noted that the Examiner considered another rejection under 35 USC 103 with regards to this limitation, now added to the previously rejected claims:

“selective forwarding comprises sorting and filtering the cached files in accordance with preferences of a user of the wireless device”

Because the invention of the Applicant is a UDDI registry, the registry receives a query which would forward results to a user. Thus it is obvious that the use of a UDDI registry and/or server who purpose it is to reply to a service discovery request would selectively forward these results based on a user's query. A cache is merely an intermediate form of memory that exists between the processor and Random Access Memory, and is present on all standard home PC systems. That a server, responding to a request to of a user query would first store the results of the query in the cache before forwarding it to the user would be inherent to processing a user request.

The user has applied the phrase “in accordance with preferences of a user” however rather than the phrase “in accordance with the query of a user.” In light of the specification and the other claims, it would appear that the preferences of the user refer to a pre-established set of preferences and is separate from the query itself. This interpretation is further supported by the claim recitations in parallel claim 25, which sorts the documents in accordance with a “user profile”

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For this reason, the limitation the Applicant has added to the previously rejected independent claims distinguishes over the prior art and the obvious variation thereof involving a search query response.

For these reasons, all pending claims are allowable.

Conclusion

3. Any inquiry concerning this communication from the examiner should be directed to Thomas M Ho whose telephone number is (571)272-3835. The examiner can normally be reached on M-F from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A. Morse can be reached on (571)272-3838.

The Examiner may also be reached through email through Thomas.Ho6@uspto.gov

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

General Information/Receptionist Telephone: 571-272-2100 Fax: 571-273-8300

Customer Service Representative Telephone: 571-272-2100 Fax: 571-273-8300

TMH

April 1st, 2006

James H. Loeb
JAMES H. LOEB
PRIMARY EXAMINER